

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MAY 08 2007

BRIAN MITCHELL,

Plaintiff,

v.

5:04-CV-11

ELAINE CHAO, in her official capacity as
Secretary of the United States Department
of Labor,

Defendant.

LAWRENCE K. BAERMAN, Clerk
UTICA

APPEARANCES:

COTE, LIMPERT & VAN DYKE, L.L.P.
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UNITED STATES ATTORNEY
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DAVID N. HURD
United States District Judge

OF COUNSEL:

JOANNE VAN DYKE, ESQ.

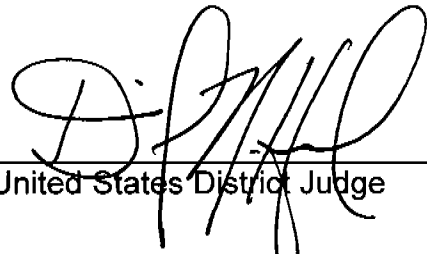
CHARLES E. ROBERTS, ESQ.
WILLIAM F. LARKIN, ESQ.

ORDER

Pursuant to the oral decision of the Court, entered into the record after hearing oral argument on May 8, 2007, in Utica, New York, it is hereby ORDERED that defendant's motion for summary judgment is DENIED.

IT IS SO ORDERED.

Dated: May 8, 2007
Utica, New York.


United States District Judge